

- (ii) Not duty paid; and
- (iii) Proceeding carrying neither passengers nor cargo.

The permit to proceed, as required by subpart F of this part, shall be marked with the port and date of inspection, and shall be signed by the inspecting officer in the U.S. Virgin Islands.

(3) A permit to proceed on Customs Form 7507 shall be presented for aircraft registered in a foreign country and proceeding carrying neither passengers nor cargo. The permit to proceed, as required under subpart F of this part, shall be marked with the port and date of inspection, and shall be signed by the inspecting officer in the U.S. Virgin Islands.

(4) A permit to proceed, or other document, shall be filed as required under subpart I of this part for an aircraft carrying residue cargo and/or passengers. The permit to proceed shall be marked with the port and date of inspection, and it must be signed by the inspecting officer in the U.S. Virgin Islands.

Subpart O—Flights to and From Cuba

§ 122.151 Definitions.

Under this subpart, the following definitions apply:

(a) *United States*. The term “U.S.” includes the several States, the District of Columbia, the U.S. Virgin Islands, and Puerto Rico.

(b) *Cuba*. The term “Cuba” does not include the Guantanamo Bay Naval Station.

§ 122.152 Application.

This subpart applies to all aircraft entering or departing the U.S. to or from Cuba except public aircraft.

[T.D. 88–12, 53 FR 9292, Mar. 22, 1988, as amended by T.D. 97–82, 62 FR 51770, Oct. 3, 1997]

§ 122.153 Limitations on airport of entry or departure.

(a) *Aircraft arrival and departure*. The owner or person in command of any aircraft clearing the United States for or entering the United States from Cuba, whether the aircraft is departing on a temporary sojourn or for export,

must clear or obtain permission to depart from, or enter at, the Miami International Airport, Miami, Florida; the John F. Kennedy International Airport, Jamaica, New York; the Los Angeles International Airport, Los Angeles, California; or any other airport that has been approved by CBP pursuant to paragraph (b) of this section, and must comply with the requirements in this part unless otherwise authorized by the Assistant Commissioner, Office of Field Operations, CBP Headquarters.

(b) *CBP approval of airports of entry and departure*.

(1) *Airports eligible to apply*. An international airport, landing rights airport, or user fee airport (as defined in § 122.1 and described in subpart B of this part) that is equipped to facilitate passport control and baggage inspection, and otherwise process international flights and has an Office of Foreign Assets Control (OFAC) licensed carrier service provider that is prepared to provide flights between the airport and Cuba, may request CBP approval to become an airport of entry and departure for aircraft traveling to or from Cuba.

(2) *Application and approval procedure*. The director of the port authority governing the airport must send a written request to the Assistant Commissioner, Office of Field Operations, CBP Headquarters, requesting approval for the airport to be able to accept aircraft traveling to or from Cuba. Upon determination that the airport is suitable to provide such services, CBP will notify the requestor that the airport has been approved to accept aircraft traveling to or from Cuba, and that it may immediately begin to accept such aircraft. For reference purposes, approved airports will be listed on the CBP Web site and in updates to paragraph (c) of this section.

(c) *List of airports authorized to accept aircraft traveling to or from Cuba*. For reference purposes, the following is a list of airports that have been authorized by CBP to accept aircraft traveling between Cuba and the United States.

Location	Name
Atlanta, Georgia	Hartsfield-Jackson Atlanta International Airport.
Austin, Texas	Austin-Bergstrom International Airport.
Baltimore, Maryland	Baltimore/Washington International Thurgood Marshall Airport.
Chicago, Illinois	O'Hare International Airport.
Dallas, Texas	Dallas/Fort Worth International Airport.
Fort Lauderdale, Florida	Fort Lauderdale-Hollywood International Airport.
Fort Myers, Florida	Southwest Florida International Airport.
Houston, Texas	George Bush Intercontinental Airport.
Jamaica, New York	John F. Kennedy International Airport.
Key West, Florida	Key West International Airport.
Los Angeles, California	Los Angeles International Airport.
Miami, Florida	Miami International Airport.
New Orleans, Louisiana	Louis Armstrong New Orleans International Airport.
Oakland, California	Oakland International Airport.
Orlando, Florida	Orlando International Airport.
Pittsburgh, Pennsylvania	Pittsburgh International Airport.
San Juan, Puerto Rico	San Juan Luis Muñoz Marín International Airport.
Tampa, Florida	Tampa International Airport.
West Palm Beach, Florida	Palm Beach International Airport.

[CBP Dec. 11-05, 76 FR 5060, Jan. 28, 2011, as amended at CBP Dec. 12-08, 77 FR 23599, Apr. 20, 2012]

§ 122.154 Notice of arrival.

(a) *Application.* All aircraft entering the U.S. from Cuba must give advance notice of arrival, unless it is an Office of Foreign Assets Control (OFAC) approved scheduled commercial aircraft of a scheduled airline.

(b) *Procedure for giving advance notice of arrival.* The commander of an aircraft covered by this section shall give the advance notice of arrival not less than one (1) hour before crossing the U.S. coast or border. Notice shall be given either:

(1) Through Federal Aviation Administration flight notification procedure (see International Flight Information Manual, Federal Aviation Administration); or

(2) Directly to the CBP officer in charge at the applicable airport authorized pursuant to § 122.153.

(c) *Contents of notice.* The advance notice of arrival shall state:

(1) Type of aircraft and registration number;

(2) Name of aircraft commander;

(3) Number of U.S. citizen passengers;

(4) Number of alien passengers;

(5) Place of last foreign departure;

(6) Estimated time and location of crossing the U.S. coast or border; and

(7) Estimated time of arrival.

(d) *Private Aircraft.* In addition to these requirements, private aircraft must also give notice of arrival pursuant to § 122.22 of this part.

[T.D. 88-12, 53 FR 9292, Mar. 22, 1988, as amended by T.D. 99-71, 64 FR 53628, Oct. 4, 1999; CBP Dec. 08-43, 73 FR 68313, Nov. 18, 2008; CBP Dec. 11-05, 76 FR 5061, Jan. 28, 2011]

§ 122.155 Document to be presented upon arrival.

Upon arrival, the aircraft commander shall present:

(a) A manifest of all passengers on board, as required by the U.S. Immigration and Naturalization Service pursuant to 8 CFR 231.1(b), to an officer of the U.S. Immigration and Naturalization Service or to a Customs officer acting as an Immigration officer;

(b) The documents required by subpart E of this part.

§ 122.156 Release of passengers.

No passengers arriving from Cuba by aircraft will be released by Customs, nor will the aircraft be cleared or permitted to depart before the passengers are released by an officer of the Immigration and Naturalization Service or by a Customs officer acting on behalf of that agency.

§ 122.157 Documents required for clearance.

As a condition precedent to clearance, the aircraft commander shall present to Customs:

(a) The documents required by Subpart H of this part; and

(b) A validated license issued by the Department of Commerce, as provided for in 15 CFR 371.19 or a license issued by the Department of State, as provided in 22 CFR part 123.

§ 122.158 Other entry and clearance requirements.

All other provisions of this part relating to entry and clearance of aircraft are applicable to aircraft subject to this subpart.